



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/632,808

08/04/2000

Lawrence A. Denny

1950.006

2511

30589

7590

10/30/2006

DUNLAP, CODDING & ROGERS P.C.

PO BOX 16370

OKLAHOMA CITY, OK 73113

EXAMINER

FRENEL, VANEL

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/632,808

Applicant(s)

DENNY, LAWRENCE A.

Examiner

Vanel Frenel

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment filed on 8/27/06. Claims 1-38 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobylevsky et al (2002/0060200) in view of Garcia (6,088,429), for substantially the same reasons given in the previous Office Action, and incorporated herein. Further reasons are presented hereinbelow.

Response to Arguments

4. Applicant's arguments filed on 8/27/06 with respect to claims 1-38 have been fully considered but they are not persuasive. Applicant's arguments will be addressed as the followings:
 - (A) At pages 2-29 of the response filed on 8/27/06, Applicant's argues the followings:
 - (1) Neither Kobylevski nor Garcia suggests a method for verifying a renewal of a filled prescription prescribed by a member health care provider for a patient which can

be filled through any one of a variety of member pharmacies with the member healthcare provider being associated with a computer system having a web browser and each member pharmacy having a computer system with a web browser as recited in claim 1.

(2) Garcia does not teach an Internet-based host system database, accessible by a browser, wherein doctors and pharmacies are verified for legitimacy and renewal communication is done through an internal messaging system within the host system such that renewal requests are loaded within the browser of the computer system associated with the member healthcare provider and authorizations are loaded within the browser of the computer system associated with the member pharmacy.

(3) Garcia does not teach that a user associated with a governmental agency.

(4) Garcia reference does not teach that an insurance company information could be stored, and further unable to locate support for an inference that events could include a user associated with an insurance company.

(5) Kobylevski does not seem to suggest a patient prescription history including previous prescriptions associated by at least one of a patient code, a health care provider code, and a pharmacy code nor does it seem to suggest even outputting a patient prescription history.

(6) Kobylevski reference does not suggest a step of notifying defined further as transmitting an indicator by the host system to the computer system associated with the member healthcare provider identified by the previously filled prescription stored on the host system.

(7) Kobylevski does not suggest that a healthcare provider could send a message with the authorization.

(8) Garcia does not seem to contemplate the host system storing passwords for verifying nor does it suggest actually verifying the identity of member pharmacies and member healthcare providers.

(9) Garcia reference does not seem to suggest storing passwords for verifying the identity of at least two member pharmacies not affiliated with each other. Further, Garcia does not teach an Internet-based host system database, accessible by a browser, wherein doctors and pharmacies are verified for legitimacy and renewal communication is done through an internal messaging system within the host system such that renewal requests are loaded within the browser of the computer system associated with the member health care provider and authorizations are loaded within the browser of the computer system associated with the member pharmacy.

(B) With respect to Applicant's first argument, Examiner respectfully submitted that He relied upon the clear and unmistakable teachings of Garcia whom suggested the use of a web browser (See Fig.3; Col.11, lines18-67) which correspond to Applicant's claimed feature. Therefore, Applicant's argument is not persuasive and the rejection is hereby sustained.

(C) With respect to Applicant's second argument, Examiner respectfully submitted that He relied upon the clear and unmistakable teachings of Garcia whom suggested

the use of a web browser (See Fig.2; Col.9, lines 8-67) which correspond to Applicant's claimed feature. Therefore, Applicant's argument is not persuasive and the rejection is hereby sustained.

(D) With respect to Applicant's third argument, Examiner respectfully submitted that He relied upon the clear and unmistakable teachings of Garcia whom discloses a governmental agency (See Col.4, lines 7-17) which correspond to Applicant's claimed feature. Therefore, Applicant's argument is not persuasive and the rejection is hereby sustained.

(E) With respect to Applicant's fourth argument, Examiner respectfully interpreted "other event of interest to the patient to be a form of insurance" that He had relied upon, See Garcia, Col.4, lines 64 to Col.5, line 4) which correspond to Applicant claimed feature. Therefore, Applicant's argument is not persuasive and the rejection is hereby sustained.

(F) With respect to Applicant's fifth argument, Examiner respectfully submitted that He relied upon the clear and unmistakable teachings of Garcia whom discloses a National Drug Code (NDC) (See Col.4, lines 7-17) which correspond to Applicant's claimed feature. Therefore, Applicant's argument is not persuasive and the rejection is hereby sustained.

Art Unit: 3626

(G) With respect to Applicant's sixth argument, Examiner respectfully submitted that He relied upon the clear and unmistakable teachings of Garcia whom discloses the use of identifying by the previously filled prescription stored on the host system (See Fig.2; Col.9, lines 8-67) which correspond to Applicant's claimed feature. Therefore, Applicant's argument is not persuasive and the rejection is hereby sustained.

(H) With respect to Applicant's seventh argument, Examiner respectfully submitted that He relied upon the clear and unmistakable teachings of Garcia whom discloses a healthcare provider could send a message with the authorization (See Garcia, Col.8, lines 62-67 to Col.9, line 7) which correspond to Applicant's claimed feature. Therefore, Applicant's argument is not persuasive and the rejection is hereby sustained.

(I) With respect to Applicant's eighth argument, Examiner respectfully submitted that He relied upon the clear and unmistakable teachings of Garcia whom discloses the use of verifying the identity of member pharmacies and member healthcare providers (See Fig.2; Col.11, lines 18-30) which correspond to Applicant's claimed feature. Therefore, Applicant's argument is not persuasive and the rejection is hereby sustained.

(J) With respect to Applicant's first argument, Examiner respectfully submitted that He relied upon the clear and unmistakable teachings of Garcia whom suggested the use of a web browser (See Fig.3; Col.11, lines 18-67) which correspond to Applicant's

claimed feature. Therefore, Applicant's argument is not persuasive and the rejection is hereby sustained.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

V.F
V.F

October 26, 2006

Lynda Jasmin 10/27/06
Primary Examiner